

### **141.325 Withholding exemptions -- Certificates.**

- (1) An employee receiving wages shall on any day be entitled to the following withholding exemptions:
  - (a) For taxable years beginning prior to January 1, 2018:
    1. One (1) exemption for himself;
    2. One (1) exemption for each dependent for whom he would be entitled to a tax credit under the provisions of KRS 141.020;
    3. If the employee is married, the exemption to which his spouse is entitled, or would be entitled if such spouse were an employee, under subparagraph 1. of this paragraph, but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption; and
  - (b) Such other withholding exemptions as the department may prescribe by regulation.
- (2) Every employee shall, before the date of commencement of employment, furnish his or her employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he or she claims, which in no event shall exceed the number to which he is entitled.
- (3) Withholding exemption certificates shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.
- (4) A withholding exemption certificate which takes effect under this section shall continue in effect with respect to the employer until another such certificate takes effect under this section. If a withholding exemption certificate is furnished to take the place of an existing certificate, the employer, at his option, may continue the old certificate in force with respect to all wages paid on or before the first status determination date, January 1 or July 1, which occurs at least thirty (30) days after the date on which such new certificate is furnished.
- (5) If, on any day during the calendar year, the number of withholding exemptions to which the employee may reasonably be expected to be entitled at the beginning of his next taxable year is different from the number to which the employee is entitled on such day, the employee shall in such cases and at such time as the department may prescribe, furnish the employer with a withholding exemption certificate relating to the number of exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he may reasonably be expected to be so entitled. Exemption certificates issued pursuant to this subsection shall not take effect with respect to any payment of wages made in the calendar year in which the certificate is furnished.
- (6) If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall, within ten (10) days thereafter, furnish the employer with a new withholding exemption certificate relating to the number of

withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

- (7) Withholding exemption certificates shall be in the form and contain the information required by the department.

**Effective:** April 27, 2018

**History:** Amended 2018 Ky. Acts ch. 171, sec. 83, effective April 14, 2018; and ch. 207, sec. 83, effective April 27, 2018. -- Amended 2013 Ky. Acts ch. 119, sec. 23, effective June 25, 2013. -- Amended 2005 Ky. Acts ch. 85, sec. 497, effective June 20, 2005. -- Amended 1978 Ky. Acts ch. 233, sec. 14, effective June 17, 1978. -- Amended 1956 (4th Extra. Sess.) Ky. Acts ch. 4, sec. 13, effective April 23, 1956. -- Created 1954 Ky. Acts ch. 79, sec. 25.

**Legislative Research Commission Note (4/27/2018).** This statute was amended by 2018 Ky. Acts chs. 171 and 207, which do not appear to be in conflict and have been codified together.